

REMARKS/ARGUMENTS

Review and reconsideration on the merits are requested in view of the foregoing amendments and the following discussion.

In amending claim 1, the definition of the controller from claim 6 has been inserted into claim 1. As a result of this amendment, the rejection at paragraph 2 of the Official Action is no longer an issue. The only issue is the rejection of claim 6 at paragraph 4 of the Official Action. That rejection is lodged under 35 U.S.C. §103 and is premised upon the combined teachings of Corley, U.S. Patent 4,991,007 and Japanese Patent Publication 2002190959A. The applicants vigorously traverse this rejection.

While the rejection is lodged under 35 U.S.C. §103 and premised upon the teachings of the Japan reference, the comments in the Official Action regarding claim 6 rely solely on the disclosure in the Corley reference. Specifically, claim 6 is rejected because Corley teaches a reference signal generator 20. The applicants submit that Corley's reference signal generator does not result in a controller that is programmed with reference color values corresponding to reference color regions as previously claimed in claim 6 and now claimed in claim 1. In contrast to the teachings of Corley, the device and process of the present invention are directed to determining a color value for a target region based upon the relationship between reference colors and programmed values for those reference colors. For example, differences between the recorded reference colors and the programmed reference color values may be used to determine a correction so as to provide a standardized color value for the "target" region. The terms "target" as used in the present application and "target" as used in the reference are used differently. In accordance with the invention, the target region is a region of unknown color value for which a color value is determined. In the Corley reference, the target region is an image of a target that is used for comparison with a reference image. At col. 9, lines 56-59, Corley summarizes his invention stating that his invention "is directed simply to evaluating, upgrading, optimizing and/or otherwise modifying images captured on any form of medium." By contrast, the present

invention has a very different objective. The objective of the invention is to take information from an image that includes both reference and unknown (target) areas and report color values for the unknown (target) area. To do this, comparisons are made between the recorded values for the reference colors, the programmed values for the reference colors, and the recorded target value is adjusted based upon the comparison between the recorded reference value and the programmed reference value to provide a corrected color value for the unknown (target) area. Thus, the claimed device uses the combination of both reference color regions and programmed reference color values.

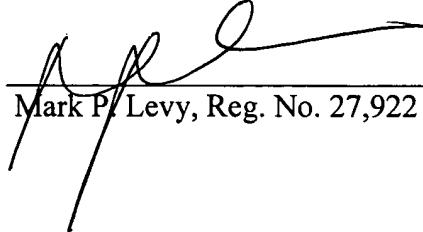
Corley's juxtaposition of reference and target images is done in a very difference manner using very different hardware. In Corley's case the juxtaposition is used to compare the imaging system's reproduction of the reference to a desired reproduction. Corley then describes using the differences in the reproductions (actual versus desired) to correct subsequent image signals. (See the discussion at col. 6, lines 14-15; col. 8, line 50; and col. 9, lines 5-6). In the present invention, the reference colors are juxtaposed with the unknown (target) area. In this manner, the color of the object in the unknown (target) area is determined. Corley does not provide an unknown (target) value (See col. 8, lines 61-62). Corley's reference signal is not a reference color value. The reference color values are the color values of the reference color regions. Accordingly to Corley, the reference signal generator 20 generates a reference image signal based upon the output from the image combiner 16. The image combiner combines two separate signals into a single output signal. Thus, the reference signal is a function of the inputs to the combiner. By contrast, the programmed reference values are fixed values, i.e., they are determined by the reference colors and they do not vary with an input signal as the Corley reference signal does.

The teachings of the Japanese patent are not relevant to the distinction discussed above in terms of a controller programmed with reference color values. Accordingly, the rejection under 35 U.S.C. §103 must fail.

Application No. 10/736,449
Docket No. 434595-025
Reply to Office Action of March 23, 2005
Page 7

Favorable action on the merits is requested.

Respectfully submitted,



Mark P. Levy, Reg. No. 27,922

THOMPSON HINE LLP
2000 Courthouse Plaza NE
10 West Second Street
Dayton, Ohio 45402-1758
(937) 443-6949

390332.1